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Attorneys for Defendant GERALD ARMSTRONG

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

11 CHURCH OF SCIENTOLOGY OF)
12 CALIFORNIA,)
13 Plaintiff,)
14 vs.)
15 GERALD ARMSTRONG, et al.)
16 Defendants,)
17 MARY SUE HUBBARD,)
18 Intervenor.)

CASE NO. C 420 153
FIRST AMENDED ANSWER TO
AMENDED COMPLAINT IN
INTERVENTION

19 Defendant, GERALD ARMSTRONG, for himself alone, answers
20 the unverified Amended Complaint-In Intervention on file herein
21 as follows:

22 1. Denies each and every allegation of each cause of
23 action thereof.

24 2. Denies plaintiff-in-intervention was damaged in any
25 sum alleged, or any other sum.

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FIRST AFFIRMATIVE DEFENSE

3. Alleges that plaintiff-in-intervention's alleged cause of action, each, do not state facts sufficient to constitute a cause of action against said defendant.

SECOND AFFIRMATIVE DEFENSE

4. Alleges that plaintiff-in-intervention's damages, if any, were caused and contributed to by plaintiff-in-intervention's own negligence.

THIRD AFFIRMATIVE DEFENSE

5. Alleges that plaintiff and intervenor should be barred from seeking equitable relief by way of injunction in that plaintiff and intervenor come before this Court with unclean hands. Plaintiff and intervenor seek by way of injunction to suppress/destroy evidence of frauds in that the documents and materials presently under seal in this case evidence numerous frauds regarding the alleged background and accomplishments of L. Ron Hubbard, founder of Dianetics and Scientology, frauds which have been perpetrated upon defendant and thousands of Scientology followers and the public.

FOURTH AFFIRMATIVE DEFENSE

6. Alleges that plaintiff and intervenor should be

2 barred from seeking equitable relief or any recovery herein in
3 that plaintiff and intervenor were involved in the destruction
4 by shredding of documents, which documents defendant saved from
5 destruction and preserved. Defendant fears that should the
6 documents and materials presently under seal be returned to
7 plaintiff and/or intervenor pursuant to injunction, that
8 spoliation would again result. Said documents and materials are
9 highly relevant evidence to defendant's Cross-Complaint in this
10 case and all the Scientology litigation.

11 FIFTH AFFIRMATIVE DEFENSE

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13 7. Alleges that the plaintiff-in-intervention's action
14 is barred by the doctrine of laches. L. Ron Hubbard has been in
15 possession of most of the information contained in the documents
16 for the past 30 years. The documents and materials collected
17 have been in the possession of Omar Garrison for a period covering
18 at least from 1980 to early 1982 and were in the rightful posses-
19 sion and custody of defendant. Plaintiff-in-intervention's
20 failure to prohibit the dissemination of the documents and infor-
21 mation to Garrison, a third party, not a member of the plaintiff
22 CHURCH OF SCIENTOLOGY OF CALIFORNIA, bars any and all equitable
23 relief to prevent the dissemination of documents to other third
24 parties or to recover damages for said dissemination.

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SIXTH AFFIRMATIVE DEFENSE

8. Alleges that the plaintiff-in-intervention does not have standing to bring the present action. The documents and materials only have value insofar as they contain information about L. Ron Hubbard, a public figure. The information contained in said documents could only be barred from dissemination if it constituted trade secrets, was defamatory, or violated a right of privacy of L. Ron Hubbard. Since L. Ron Hubbard has not asserted any claim to said materials on the violation of either his rights of privacy, or the unlawful dissemination of trade secrets or defamatory information, plaintiff-in-intervention has no standing to assert said claim on his behalf.

SEVENTH AFFIRMATIVE DEFENSE

9. Alleges that plaintiff-in-intervention cannot be entitled to damages or injunctive relief as a matter of law unless the documents and materials collected by defendant and the information contained therein have been disseminated in violation of rights of privacy of L. Ron Hubbard, constitute false and defamatory statements, or constitute trade secrets.

EIGHTH AFFIRMATIVE DEFENSE

10. Alleges that it is against public policy and in violation of defendant's rights under the First Amendment to the U.S. Constitution to prevent him from disclosing or

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disseminating the information contained in the subject documents and materials, or the documents and materials themselves.

WHEREFORE, defendant asks judgment as follows:

1. That plaintiff-in-intervention take nothing;
2. For costs of suit; and
3. For other proper relief.

DATED: March 16, 1984.

CONTOS & BUNCH

By: _____

JULIA DRAGOJEVIC
Attorneys for Defendants
GERALD ARMSTRONG